

04:08PM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

March 5, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF JEFF ANZALONE
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

TRINI E. ROSS, UNITED STATES ATTORNEY
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NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

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And

UNITED STATES DEPARTMENT OF JUSTICE
BY: JORDAN ALAN DICKSON, ESQ.

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For the Plaintiff

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And

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BY: PARKER ROY MacKAY, ESQ.

3110 Delaware Avenue
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For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent
MARILYN K. HALLIDAY, HSI Special Agent
KAREN A. CHAMPOUX, USA Paralegal

1 **LAW CLERK:** **REBECCA FABIAN IZZO, ESQ.**

2 **COURT DEPUTY CLERK:** **COLLEEN M. DEMMA**

3 **COURT REPORTER:** **ANN MEISSNER SAWYER, FCRR, RPR, CRR**
4 Robert H. Jackson Federal Courthouse
5 2 Niagara Square
6 Buffalo, New York 14202
7 Ann_Sawyer@nywd.uscourts.gov

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9 * * * * * * *
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11 (Excerpt commenced at 4:08 p.m.)

12 (Jury is present.)

04:08PM 13 **THE COURT:** The government can call its next witness.

04:08PM 14 **MR. COOPER:** Judge, the government calls Jeff
04:08PM 15 Anzalone.

04:10PM 16 **J E F F A N Z A L O N E**, after being duly called and sworn,
04:10PM 17 testified as follows:

04:10PM 18 **MR. COOPER:** May I inquire, Judge?

04:10PM 19 **THE COURT:** Yes, you may.

04:10PM 20 **DIRECT EXAMINATION BY MR. COOPER:**

04:10PM 21 Q. Good afternoon, Mr. Anzalone.

04:10PM 22 A. Good afternoon.

04:10PM 23 Q. How are you today?

04:10PM 24 A. I'm doing well.

04:10PM 25 Q. Will you introduce yourself to the jury, please?

04:10PM 1 A. I'm Jeff.

04:10PM 2 Q. And where are you from, Jeff?

04:10PM 3 A. Lockport, New York.

04:10PM 4 Q. Is that where you grew up?

04:10PM 5 A. It is.

04:10PM 6 Q. Where did you go to high school at?

04:10PM 7 A. Lockport High.

04:10PM 8 Q. What year did you graduate?

04:10PM 9 A. '85.

04:10PM 10 Q. Okay. And have you lived generally in the Western

04:10PM 11 New York area all --

04:10PM 12 A. I --

04:10PM 13 Q. -- all of your life?

04:10PM 14 A. -- yes, my entire life.

04:10PM 15 Q. Okay. How far did you go in school?

04:11PM 16 A. Two years at Daemen College.

04:11PM 17 Q. And did you ultimately graduate?

04:11PM 18 A. No. I got -- my dad pulled me out to put me in the

04:11PM 19 family business.

04:11PM 20 Q. And what is the family business, Jeff?

04:11PM 21 A. Electrical construction.

04:11PM 22 Q. And have you worked in the family business since that

04:11PM 23 time?

04:11PM 24 A. Yes.

04:11PM 25 Q. During the course of your life, have you used drugs

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1 before?

2 A. Yes.

3 Q. What kinds of drugs have you used before?

4 A. Marijuana. Cocaine. Mushrooms. Did acid once.

5 Q. What was the last thing you said?

6 A. Did acid once.

7 Q. You did acid once?

8 A. Yes.

9 Q. When's the last time you used drugs?

10 A. March 2019.

11 Q. Okay. And have you used any drugs since March of 2019?

12 A. Just what I'm prescribed.

13 Q. Okay. When's the first time you started using drugs, how

14 old were you?

15 A. High school, maybe junior high. I think I started with

16 pot.

17 Q. Okay. And so if we go from starting with pot in junior

18 high school, did your drug use progress over the years?

19 A. I would say so.

20 Q. And did it become more significant?

21 A. Yes.

22 Q. Did you move from using drugs like marijuana to more hard

23 drugs?

24 A. Yes.

25 Q. Do you remember the first time that you used cocaine?

04:12PM

1 A. Yes.

04:12PM

2 Q. When was it?

04:12PM

3 A. It was probably -- it was a volleyball game that we have
4 at my house, so it was in the basement. Probably early '80s.

04:12PM

5 Q. Okay. And so how old were you give or take?

04:12PM

6 A. 15, 16.

04:12PM

04:12PM

7 Q. Okay. And at that time, at age 15 o 16, did you have a
8 problem with cocaine?

04:12PM

9 A. No.

04:12PM

04:12PM

10 Q. Were you addicted to it at that point?

04:12PM

11 A. I didn't think so.

04:12PM

12 Q. Okay. And over the years, did there come a time when you
13 began using cocaine more frequently?

04:12PM

14 A. Yes.

04:12PM

04:12PM

15 Q. Was there kind of a catalyst event in your life that led
16 to your drug use becoming more significant?

04:12PM

17 A. I would -- yeah, I would say there was.

04:13PM

04:13PM

18 Q. Okay. Can you tell the jury what this event was that
19 caused your drug use to ramp up?

04:13PM

20 A. I was going through a divorce, a very bad divorce. And
21 during the divorce, I wasn't able to be at the house. So it
22 kind of gave me freedom go out and do the funner things in
23 life, which I thought were drugs, different types of friends,
24 things that I couldn't have while I was married and taking
25 care of kids. So I would say once that supervision was taken

04:13PM

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04:13PM 1 away from me, then I started doing a lot more.

04:13PM 2 Q. Okay. How old were you when you got married, Jeff?

04:13PM 3 A. I got married in '97.

04:13PM 4 Q. You can estimate for me if you want.

04:13PM 5 A. Okay. I would say 35, I guess.

04:13PM 6 Q. Okay. And about what year did you get separated from
04:13PM 7 your wife?

04:14PM 8 A. I want to say when I filed for divorce, or when we
04:14PM 9 started talking about it, it was like 2009. And I think by
04:14PM 10 the time we had an agreement, it was 2012, 2014. It was an
04:14PM 11 ongoing, very difficult time. So --

04:14PM 12 Q. Okay.

04:14PM 13 A. -- I don't exactly know right when the cutoff was.

04:14PM 14 Q. That's fine. So approximately 2009 when that separation
04:14PM 15 started, were you using cocaine at that time in your life?

04:14PM 16 A. Yeah.

04:14PM 17 Q. Okay. And about how frequently would you say you were
04:14PM 18 using cocaine back in 2009?

04:14PM 19 A. Whenever I could, I guess. So if I found the
04:14PM 20 opportunity, if I was to go out, again, the frequency kind of
04:14PM 21 varied.

04:14PM 22 Q. Okay.

04:14PM 23 A. So if there was a weekend, then I would do it. Like, I
04:14PM 24 took almost every opportunity to, not so much use it, but be
04:15PM 25 around it and part of it. And it was just a lifestyle, I

04:15PM

1 guess.

04:15PM

2 Q. Have you ever heard of the phrase "addicted to the

04:15PM

3 lifestyle?"

04:15PM

4 A. I -- I -- I'm pretty sure I lived it.

04:15PM

5 Q. Okay. Did your drug use progress from 2009 leading into

04:15PM

6 that 2014 time frame when your divorce came became finalized?

04:15PM

7 Or 2012, whenever you testified to.

04:15PM

8 A. Yeah. Well, again, the more freedom I had, the more I

04:15PM

9 would do it. So, yes.

04:15PM

10 Q. Okay. And what was your main drug of choice?

04:15PM

11 A. Cocaine.

04:15PM

12 Q. Did there come a time when you were using cocaine daily?

04:15PM

13 A. No, I don't think it was daily. I mean, I had it daily,

04:15PM

14 but I wouldn't use it daily unless there was a reason,

04:15PM

15 somebody was coming over, or if I was going out.

04:15PM

16 Q. Okay. And is living that lifestyle that you've

04:15PM

17 described, and using cocaine frequently, expensive?

04:15PM

18 A. Yeah.

04:15PM

19 Q. Okay. Did you begin to give cocaine to other people or

04:15PM

20 distribute cocaine to other people?

04:15PM

21 A. Yes.

04:15PM

22 Q. Okay. And were you giving other drugs in addition to

04:16PM

23 cocaine or distributing them to other people?

04:16PM

24 A. Repeat that?

04:16PM

25 Q. In addition to cocaine, did you sell other drugs, Jeff?

04:16PM 1 A. Pills, every now and then, if I were to get them.

04:16PM 2 Q. Okay. Did you sell Adderall?

04:16PM 3 A. Yeah.

04:16PM 4 Q. Okay. Did you give Adderall away sometimes?

04:16PM 5 A. Yeah.

04:16PM 6 Q. Were you making \$1 million a year selling coke?

04:16PM 7 A. No.

04:16PM 8 Q. Okay. But were you selling cocaine consistently in that

04:16PM 9 2012-2014 time frame, or did that start later?

04:16PM 10 A. I don't think I was ever, like, selling it consistently.

04:16PM 11 If I had it, and if I could get it, so to speak, then I would

04:16PM 12 try to make it happen if somebody asked me.

04:16PM 13 Q. Okay. Did there come a time where you got caught on a

04:16PM 14 wiretap?

04:16PM 15 A. I believe so.

04:16PM 16 Q. Were you charged with selling drugs?

04:16PM 17 A. If we're talking about the case that I'm in now, then

04:16PM 18 yes.

04:16PM 19 Q. Yeah.

04:16PM 20 A. Okay.

04:16PM 21 Q. Have you been charged here in federal court for selling

04:16PM 22 drugs?

04:16PM 23 A. Yeah.

04:16PM 24 Q. Did you sell drugs?

04:16PM 25 A. Yeah.

04:16PM 1 Q. Did you plead guilty to selling drugs?

04:17PM 2 A. Yeah.

04:17PM 3 Q. Okay. I'm holding what's marked for identification as
04:17PM 4 3561K.

04:17PM 5 **MR. COOPER:** Judge, may I approach the witness?

04:17PM 6 **THE COURT:** Sure.

04:17PM 7 **MR. COOPER:** Thank you.

04:17PM 8 **BY MR. COOPER:**

04:17PM 9 Q. Jeff, take a moment, look at that, and look back up at me
04:17PM 10 when you're finished.

04:17PM 11 A. Do you want me to read the whole thing?

04:17PM 12 Q. Just page through it, tell me if you recognize it.

04:17PM 13 A. Okay. I'm familiar with it.

04:17PM 14 Q. Okay. May I take it back?

04:17PM 15 A. Yes.

04:17PM 16 Q. Is that your plea agreement, Jeff?

04:18PM 17 A. It is.

04:18PM 18 Q. Okay. And would it be fair to say that you pled guilty
04:18PM 19 to possession with intent to distribute cocaine?

04:18PM 20 A. Yes.

04:18PM 21 Q. Okay. And as a part of that plea agreement, did you
04:18PM 22 enter into a cooperation agreement with the government?

04:18PM 23 A. I believe so, yeah.

04:18PM 24 Q. When you say "I believe so," do you know so?

04:18PM 25 A. Yeah. I did. That's what that is. If you're calling

04:18PM 1 that a cooperation agreement, then yes.

04:18PM 2 Q. Okay. Well, I'm gonna hand this document back to you.

04:18PM 3 Again, this is 3561K, and I'm holding page 7A.

04:18PM 4 A. Sure. It says cooperation right there.

04:18PM 5 Q. Don't read from it. Just look at it.

04:18PM 6 A. Okay.

04:18PM 7 Q. Jeff, does that refresh your memory about whether you

04:18PM 8 entered a cooperation agreement with the government?

04:18PM 9 A. Yes.

04:18PM 10 Q. Okay. Did you?

04:18PM 11 A. Yes.

04:18PM 12 Q. And what's your understanding of that agreement?

04:18PM 13 A. I just tell the truth, and -- I don't know. If by doing

04:19PM 14 so, there's a benefit or, I don't know, if there's leniency,

04:19PM 15 then that would be great.

04:19PM 16 Q. Are you hoping for some leniency?

04:19PM 17 A. No, I'm not. I don't expect it, and I don't hope for it.

04:19PM 18 Q. Okay. Is that something that's contemplated in the terms

04:19PM 19 of your plea agreement though?

04:19PM 20 A. Yes.

04:19PM 21 Q. Okay. And do you know what that -- what that's gonna be,

04:19PM 22 if anything?

04:19PM 23 A. There's no promises, no.

04:19PM 24 Q. Okay. Does the agreement require that you testify if

04:19PM 25 called upon?

04:19PM

1 A. Yeah.

04:19PM

2 Q. Does it require that you tell the truth?

04:19PM

3 A. Yes.

04:19PM

4 Q. Okay. You said you're not hoping for leniency. What do
5 you mean by that?

04:19PM

6 A. I have no expectations. I mean, I'm telling the truth,
7 it's just I learned that it's a hell of a lot easier to tell
8 the truth, but I have accepted what I've done. So I don't
9 feel like I have a, I don't know, a lot to say about anybody.
10 But I know what I've done, and I've accepted that I deserve
11 some sort of punishment.

04:20PM

04:20PM

12 Q. Okay. Now that conduct that you pled guilty for ranged
13 from, like, 2018 to 2019; is that correct?

04:20PM

04:20PM

14 A. Yes.

04:20PM

15 Q. Okay. Were you selling drugs a little bit before that
16 time frame, as well?

04:20PM

04:20PM

17 A. Yes.

04:20PM

18 Q. All right. I want to speak with you about 2016 for a
19 little bit, or thereabouts.

04:20PM

04:20PM

20 A. Okay.

04:20PM

21 Q. Did there come a time around 2016 when you met an
22 individual named Brandon Carr?

04:20PM

04:20PM

23 A. Yes.

04:20PM

24 Q. How did you meet that person?

04:20PM

25 A. I was -- I was made aware of him through a friend. I

04:20PM 1 knew that he had a stag company. And what I recall is that
04:20PM 2 he -- I live in Lockport, and was doing one of his stags at a
04:20PM 3 local golf club, a party. So I thought he was, you know,
04:20PM 4 important or cool, so to speak, so I ran up and introduced
04:21PM 5 myself.
04:21PM 6 Q. Okay. And what's a stag party?
04:21PM 7 A. Excuse me?
04:21PM 8 Q. What is a stag party?
04:21PM 9 A. A stag party? Before you get married, it's kind of like
04:21PM 10 your last bit of freedom where you can indulge in, in this
04:21PM 11 particular case, women/dancers.
04:21PM 12 Q. Okay. Did you attend stag parties with Brandon Carr?
04:21PM 13 A. Yes.
04:21PM 14 Q. Okay. And did you know him to run stag parties?
04:21PM 15 A. Yes.
04:21PM 16 Q. Okay. What would happen generally at those stag parties?
04:21PM 17 A. The dancers, girls would come in, and they would undress
04:21PM 18 and dance for you.
04:21PM 19 Q. Would you use drugs?
04:21PM 20 A. Oh, yeah.
04:21PM 21 Q. Did you see other people use drugs?
04:21PM 22 A. Oh, yeah.
04:21PM 23 Q. And did you develop kind of a friendship with Brandon
04:21PM 24 Carr?
04:21PM 25 A. Yes.

04:21PM 1 Q. Would you say you hit it off with him?

04:21PM 2 A. I would say so.

04:21PM 3 Q. Okay. Now, did you know Brandon Carr to have a

04:21PM 4 connection to the Pharaoh's Gentlemen's Club?

04:21PM 5 A. I had found out that he used to be a DJ there, I believe.

04:21PM 6 Q. Okay. Have you ever been to the Pharaoh's Gentlemen's

04:22PM 7 Club?

04:22PM 8 A. Yes.

04:22PM 9 Q. Once, or more than once?

04:22PM 10 A. More than once.

04:22PM 11 Q. About how many times do you think you've been there,

04:22PM 12 Jeff?

04:22PM 13 A. Over a hundred.

04:22PM 14 Q. Okay. Do you know an individual by the name of K.L.?

04:22PM 15 A. I do.

04:22PM 16 Q. How did you meet that person?

04:22PM 17 A. I believe she worked at Pharaoh's nightclub as a

04:22PM 18 bartender, I want to say. I don't think she was a dancer.

04:22PM 19 So I remember meeting her there.

04:22PM 20 And then later on, I was reintroduced to her through

04:22PM 21 Brandon. And from then, from then on, I think we would see

04:22PM 22 each other more frequently.

04:22PM 23 Q. And so let's break that down a little bit.

04:22PM 24 The first time that you met her, would that have been

04:22PM 25 back in, like, the 2009 time frame? Or do you have an idea?

04:22PM 1 A. No, it was further than that, I would say.

04:22PM 2 Q. Later than that?

04:22PM 3 A. Later than that.

04:22PM 4 Q. Okay. And after you met her for the first time, you kind
04:23PM 5 of linked back up with her through Brandon Carr; is that
04:23PM 6 right?

04:23PM 7 A. Yes, sir.

04:23PM 8 Q. Did you know Brandon Carr to use cocaine?

04:23PM 9 A. Yeah.

04:23PM 10 Q. Can you kind of describe for the jury how your
04:23PM 11 relationship with K.L. progressed after kind of linking back
04:23PM 12 up with her through Brandon Carr?

04:23PM 13 A. How it progressed? I remember being in a mutual friend
04:23PM 14 of ours' office, and I walked in to see him. And Brandon was
04:23PM 15 there with K.L. And he said, you know, this is K.L. And
04:23PM 16 I'm, like, nice to meet you, not remembering her.

04:23PM 17 And she was, like, what? You don't remember me? That
04:23PM 18 kind of thing.

04:23PM 19 And from there, we -- through a mutual friend, we would
04:23PM 20 run into each other more frequently.

04:23PM 21 Q. Did you use drugs with K.L.?

04:23PM 22 A. Yes.

04:23PM 23 Q. What kind of drugs?

04:23PM 24 A. Cocaine, mainly.

04:24PM 25 Q. Who would provide the cocaine?

04:24PM 1 A. At times, it was me. Sometimes it was her.

04:24PM 2 Q. Okay. Did there come a time where you started seeing
04:24PM 3 K.L. more frequently than you had in the past?

04:24PM 4 A. Yeah. Again, like you said, I think it progressively --
04:24PM 5 the more that I saw her, we would talk more, be together
04:24PM 6 more, eventually she came to work for me.

04:24PM 7 Q. Okay. When you say she came to work for you, where did
04:24PM 8 she go to work for you?

04:24PM 9 A. It was called -- a company called the Notester. It was a
04:24PM 10 coaster company that I started.

04:24PM 11 Q. Okay. I want to speak with you a little bit about your
04:24PM 12 experience at Pharaoh's Gentlemen's Club, okay?

04:24PM 13 A. Okay.

04:24PM 14 Q. Have you ever used cocaine there?

04:24PM 15 A. Yes.

04:24PM 16 Q. Okay. You estimated for us a moment ago that you think
04:24PM 17 you've been there around a hundred times, or over a hundred
04:24PM 18 times; do you remember saying that?

04:24PM 19 A. I do.

04:24PM 20 Q. Okay. Out of those times, what percentage of times you
04:24PM 21 were at Pharaoh's did you use cocaine?

04:25PM 22 A. Probably wouldn't be there without it. So, 95,
04:25PM 23 100 percent of the time.

04:25PM 24 Q. Okay. Would you sometimes bring cocaine with you to go
04:25PM 25 to Pharaoh's?

04:25PM 1 A. Yes.

04:25PM 2 Q. Okay. Did you ever acquire cocaine once you were at
04:25PM 3 Pharaoh's?

04:25PM 4 A. Yes.

04:25PM 5 Q. Okay. Did that happen one time, or more than one time?

04:25PM 6 A. More than one time.

04:25PM 7 Q. Did that happen basically every time you were there?

04:25PM 8 A. Sometimes I would have it so I wouldn't need it.

04:25PM 9 Q. Tell the jury about the different people that you would
04:25PM 10 acquire cocaine from at Pharaoh's Gentlemen's Club.

04:25PM 11 A. How would you like me to describe it?

04:25PM 12 Q. Tell the jury --

04:25PM 13 A. Names or --

04:25PM 14 **THE COURT:** One at a time, guys. Let him ask a
04:25PM 15 question.

04:25PM 16 **BY MR. COOPER:**

04:25PM 17 Q. Tell the jury the people that you acquired coke from at
04:25PM 18 Pharaoh's Gentlemen's Club.

04:25PM 19 A. Sometimes it would be the dancers. Sometimes it would be
04:26PM 20 somebody that works there. Could be the cook, security
04:26PM 21 guard. I would kind of know who to go to to get it. So, it
04:26PM 22 was a -- a lot of different people.

04:26PM 23 Q. Okay. So you said you would kind of know who to go to,
04:26PM 24 and you mentioned a few different categories of people. We
04:26PM 25 can take them one at a time.

04:26PM 1 Did you know any dancers that could provide you with
04:26PM 2 cocaine when you were at Pharaoh's?

04:26PM 3 A. Yes.

04:26PM 4 Q. Who?

04:26PM 5 A. Cherry comes to mind.

04:26PM 6 Q. Okay. Do you know Cherry's actual name?

04:26PM 7 A. No, I don't.

04:26PM 8 Q. Okay. Who else?

04:26PM 9 A. Charm, which I believe is a -- her name is Jessica.

04:26PM 10 Q. Okay.

04:26PM 11 A. A guy named Scott, who was kind of like the security or
04:26PM 12 cooker or something.

04:26PM 13 Q. Did he work there?

04:26PM 14 A. I believe so.

04:26PM 15 Q. Do you know his last name?

04:26PM 16 A. I do.

04:26PM 17 Q. What is it?

04:27PM 18 A. Rush.

04:27PM 19 Q. Okay. So, Cherry, C-H-E-R-R-Y. Jessica Leyland. And
04:27PM 20 Scott Rush. Anybody else that you would acquire cocaine from
04:27PM 21 at Pharaoh's?

04:27PM 22 A. There was a guy named Gabe. I don't know his last name.

04:27PM 23 Q. Okay. How about -- do you know the owner of Pharaoh's?

04:27PM 24 A. Peter.

04:27PM 25 Q. What's his last name?

04:27PM 1 A. Gerace.

04:27PM 2 Q. Did you know that person?

04:27PM 3 A. Yes.

04:27PM 4 Q. Did you interact with him at Pharaoh's?

04:27PM 5 A. Yes.

04:27PM 6 Q. Once, or more than once?

04:27PM 7 A. More than once.

04:27PM 8 Q. Did you ever use cocaine with Peter Gerace?

04:27PM 9 A. Yes.

04:27PM 10 Q. How many times?

04:27PM 11 A. At the club?

04:27PM 12 Q. At the club.

04:27PM 13 A. A few.

04:27PM 14 Q. Okay.

04:27PM 15 A. Half dozen, maybe.

04:27PM 16 Q. Half dozen, about six times?

04:27PM 17 A. Yeah.

04:27PM 18 Q. When you would use cocaine with Peter Gerace, who would

04:27PM 19 provide the cocaine?

04:27PM 20 **MR. MacKAY:** Objection to form. Just -- is this at

04:27PM 21 the club?

04:27PM 22 **THE COURT:** No, overruled.

04:27PM 23 **BY MR. COOPER:**

04:28PM 24 Q. I'll specify. At Pharaoh's Gentlemen's Club when you

04:28PM 25 would use cocaine with Peter Gerace, who provided it?

04:28PM 1 A. Sometimes me, sometimes him, sometimes somebody else.

04:28PM 2 Q. Okay. Would you know Peter Gerace to have cocaine
04:28PM 3 frequently?

04:28PM 4 A. To have it on him?

04:28PM 5 Q. When you were with him --

04:28PM 6 A. Yeah --

04:28PM 7 Q. Did he have cocaine --

04:28PM 8 A. Yes.

04:28PM 9 **THE COURT:** One at a time, please. Let him finish
04:28PM 10 the question before you start answering. Okay?

04:28PM 11 **THE WITNESS:** Sorry, Your Honor.

04:28PM 12 **THE COURT:** No, you don't need to apologize.

04:28PM 13 **MR. MacKAY:** Judge, can we just have the witness
04:28PM 14 speak into the microphone? We're having trouble hearing him.

04:28PM 15 **BY MR. COOPER:**

04:28PM 16 Q. Jeff, have you ever testified at a trial before?

04:28PM 17 A. My own divorce.

04:28PM 18 Q. Okay. So not a lot of experience, right?

04:28PM 19 A. No.

04:28PM 20 Q. Okay. So we just want you to talk into the microphone so
04:28PM 21 they can hear you --

04:28PM 22 A. Sure.

04:28PM 23 Q. -- and that they can hear you --

04:28PM 24 A. Sure.

04:28PM 25 Q. -- and we want you to wait until I finish asking so that

04:28PM 1 we don't step on each other like that.

04:28PM 2 A. Okay.

04:28PM 3 Q. Thank you. I talk quickly, so --

04:28PM 4 We're talking about Peter Gerace at Pharaoh's. Have you
04:28PM 5 ever been upstairs at Pharaoh's?

04:28PM 6 A. Yes.

04:28PM 7 Q. Who were you upstairs with?

04:28PM 8 A. Peter and a few others.

04:29PM 9 Q. Okay. And have you ever been upstairs with dancers at
04:29PM 10 Pharaoh's?

04:29PM 11 A. I believe I brought one up there, yeah.

04:29PM 12 Q. Okay. Did you have to ask anybody's permission to bring
04:29PM 13 a dancer upstairs at Pharaoh's?

04:29PM 14 A. No.

04:29PM 15 Q. Okay. Who controlled access to that upstairs area?

04:29PM 16 A. Peter, I would say.

04:29PM 17 Q. Okay. Were you able to just willy-nilly go upstairs
04:29PM 18 whenever you wanted?

04:29PM 19 A. No.

04:29PM 20 Q. Okay. Who did you have to ask to go upstairs?

04:29PM 21 A. I didn't ask anybody.

04:29PM 22 Q. How did you get up there?

04:29PM 23 A. I was with somebody or a few people, and they were going
04:29PM 24 upstairs. And they said, yeah, Jeff can come up. Bring him
04:29PM 25 and who ever he's with.

04:29PM 1 Q. Got it. Were you ever upstairs without Peter Gerace up
04:29PM 2 there?

04:29PM 3 A. No.

04:29PM 4 Q. Okay. When you would go upstairs at Pharaoh's, what
04:29PM 5 would you do?

04:29PM 6 A. Just went up there to do cocaine.

04:30PM 7 Q. Okay. Was there any other reason for you to be upstairs
04:30PM 8 at Pharaoh's?

04:30PM 9 A. No.

04:30PM 10 Q. Now I talked to you about different people you could
04:30PM 11 acquire drugs from at Pharaoh's. I think we kind of limited
04:30PM 12 it to people who worked there.

04:30PM 13 Was there anybody who didn't work at Pharaoh's that was
04:30PM 14 there frequently that you got cocaine from?

04:30PM 15 A. In the past, but then he did start working there. His
04:30PM 16 name was Jamie.

04:30PM 17 Q. Okay. How about do you know a person named Jeremy
04:30PM 18 Classic?

04:30PM 19 A. Yes.

04:30PM 20 Q. Do you know a person named Jesse Classic?

04:30PM 21 A. I do.

04:30PM 22 Q. Did they slip your mind? Did they distribute cocaine to
04:30PM 23 you at Pharaoh's?

04:30PM 24 A. Yeah, I would refer to them as the twins.

04:30PM 25 Q. Okay. And did you know them well?

04:30PM 1 A. Well enough.

04:30PM 2 Q. Okay. Did you acquire cocaine from them?

04:30PM 3 A. Yes.

04:30PM 4 Q. Once, or more than once?

04:30PM 5 A. More than once.

04:30PM 6 Q. Did that happen at Pharaoh's?

04:30PM 7 A. Yes.

04:31PM 8 Q. Okay. And did you see them give cocaine to other people

04:31PM 9 at Pharaoh's?

04:31PM 10 A. No.

04:31PM 11 Q. Did you know them to be cocaine dealers?

04:31PM 12 A. Yes.

04:31PM 13 Q. Okay. Did you ever see Jesse and Jeremy Classic get

04:31PM 14 kicked out of Pharaoh's?

04:31PM 15 A. No.

04:31PM 16 Q. Did you ever see police get called on them?

04:31PM 17 A. No.

04:31PM 18 Q. Other than that upstairs area that we described, are

04:31PM 19 there other areas around Pharaoh's where you've used cocaine?

04:31PM 20 A. Yes.

04:31PM 21 Q. Where?

04:31PM 22 A. Bathrooms. Back rooms. Kitchen. Manager's office.

04:31PM 23 Q. Are there any areas of Pharaoh's where you haven't used

04:31PM 24 cocaine?

04:31PM 25 A. Women's bathroom.

04:31PM 1 Q. Okay. Do you know a person by the name of Anthony
04:31PM 2 Gerace?

04:31PM 3 A. I do.

04:31PM 4 Q. How do you know that person?

04:31PM 5 A. Known him for a while, I don't know exactly how or where
04:32PM 6 I met him. But I guess we run in circles, so a lot of
04:32PM 7 friends hang out with a lot of friends. Our families were
04:32PM 8 acquaintances, so to speak, like the Gerace family and my
04:32PM 9 family. We do -- we're in the lighting business, in the
04:32PM 10 electrical business, so they were a customer. And Anthony is
04:32PM 11 a likeable guy, I'm a likeable guy, and so we ended up
04:32PM 12 becoming friends.

04:32PM 13 Q. Okay. Did you have a drug-involved relationship with
04:32PM 14 Anthony Gerace?

04:32PM 15 A. Not in the beginning, but yes.

04:32PM 16 Q. Okay. So, over time?

04:32PM 17 A. Yes.

04:32PM 18 Q. Okay. Did you ever use cocaine with Anthony Gerace?

04:32PM 19 A. Yes.

04:32PM 20 Q. Once, or more than once?

04:32PM 21 A. Probably more than once.

04:33PM 22 Q. Okay. Have you ever been in the garage at Pharaoh's?

04:33PM 23 A. Yes.

04:33PM 24 Q. Can you tell the jury about that?

04:33PM 25 A. There's a garage.

04:33PM 1 Q. You've got to talk into the microphone, Jeff.

04:33PM 2 A. I'm sorry.

04:33PM 3 Q. You can look at them, but you've got to talk into the
04:33PM 4 microphone.

04:33PM 5 A. There's a garage. It's, like, part of the building. So
04:33PM 6 there's a club area, and then there's the garage. But
04:33PM 7 there's a door that goes from one area to the next, so that's
04:33PM 8 where the garage is.

04:33PM 9 Q. What brought you to the garage, Jeff?

04:33PM 10 A. Anthony, we were at the bar one night, and he wanted to
04:33PM 11 know if I wanted to party.

04:33PM 12 Q. What does it mean to say "do you want to party?"

04:33PM 13 A. I always thought it meant to do cocaine.

04:33PM 14 Q. Okay. And when Anthony Gerace asked you if you wanted to
04:33PM 15 party, what did you go do with him?

04:33PM 16 A. He said follow me. I thought we were going to go that
04:33PM 17 way, like to one of the offices, but we -- instead we went
04:34PM 18 that way. So if this was the room, the garage door would be
04:34PM 19 kind of over there. But it kind of blended in, everything
04:34PM 20 was red. So I was surprised to know that there was an
04:34PM 21 entrance there.

04:34PM 22 Q. Okay. So was that your first time ever in the garage?

04:34PM 23 A. Yes, it was.

04:34PM 24 Q. Did Anthony take you back there?

04:34PM 25 A. Yes.

04:34PM 1 Q. What did you do with him?

04:34PM 2 A. Cocaine.

04:34PM 3 Q. Okay. Is that the only time you did cocaine with him?

04:34PM 4 A. There?

04:34PM 5 Q. No, ever in life.

04:34PM 6 A. Oh, no. I believe I've been out to dinner before and

04:34PM 7 done it in other restaurants.

04:34PM 8 Q. Okay. Did Anthony Gerace ever arrange for you to make a

04:34PM 9 cocaine purchase, or help you make a cocaine purchase?

04:34PM 10 A. Yes.

04:34PM 11 Q. Can you describe how that played out for the jury?

04:34PM 12 A. I'll remember as much as I can. I believe we were

04:34PM 13 talking about it. This has happened before, but I was

04:35PM 14 getting a little at a time. And Anthony said if you want

04:35PM 15 something bigger, he would be able to help me.

04:35PM 16 And bigger, buy more quantity and at a cheaper price. So

04:35PM 17 he said he knew somebody, and hooked me up with this guy.

04:35PM 18 Q. Is that consistent with your experience buying and

04:35PM 19 selling drugs that if you buy more at one time, that you can

04:35PM 20 get it for a cheaper price?

04:35PM 21 A. Yes.

04:35PM 22 Q. And about how much cocaine were you buying at any given

04:35PM 23 point at that time? What was your, kind of, average

04:35PM 24 purchase?

04:35PM 25 A. That's what they call, like, an 8 Ball.

04:35PM 1 Q. Okay.

04:35PM 2 A. 200 bucks worth at a time.

04:35PM 3 Q. Do you know how many grams an 8 Ball is?

04:35PM 4 A. Three and a half.

04:35PM 5 Q. Okay. And when Anthony told you that he could get you

04:35PM 6 access to a larger quantity of cocaine, was that something

04:35PM 7 you were interested in at the time?

04:35PM 8 A. Yeah.

04:35PM 9 Q. Okay. And just let's set a time frame on this. Do you

04:36PM 10 recall the time frame that you had this discussion with

04:36PM 11 Anthony Gerace about getting you access to a larger supply of

04:36PM 12 cocaine?

04:36PM 13 A. Time frame from the time it happened?

04:36PM 14 Q. No, like, what year was it?

04:36PM 15 A. Oh.

04:36PM 16 Q. If you don't remember, say you don't remember.

04:36PM 17 A. I can get you close.

04:36PM 18 Q. Okay.

04:36PM 19 A. '16, '17. 2016, 2017. In that area.

04:36PM 20 Q. Okay.

04:36PM 21 A. Maybe a little after. I don't know. It's all -- back

04:36PM 22 then, it was kind of blurry.

04:36PM 23 Q. Okay. So describe for the jury, what did Anthony tell

04:36PM 24 you about getting you access to a larger supply of cocaine?

04:36PM 25 A. He asked me if I could afford 1,200 bucks. And then I

04:36PM 1 said yeah, but I had to borrow it from a friend.

04:36PM 2 Q. Okay. What happened next?

04:36PM 3 A. He told me where to go and meet this guy. And so I did.

04:37PM 4 Q. Okay. Did he go with you?

04:37PM 5 A. No. No. I don't think he was.

04:37PM 6 Q. Where did he tell you to go?

04:37PM 7 A. I'm probably going to get the name wrong. It's like

04:37PM 8 Crabby, or Crabapples, or something with a C in it. It was

04:37PM 9 in -- off of Genesee. Cheektowaga area.

04:37PM 10 Q. Okay. Now, Jeff, do you remember testifying before the
04:37PM 11 grand jury on September 5th of 2019?

04:37PM 12 A. Yes.

04:37PM 13 Q. Okay. And that was about four and a half years ago,
04:37PM 14 right?

04:37PM 15 A. Yeah.

04:37PM 16 Q. And when you testified before the grand jury, did you
04:37PM 17 tell the truth to the best of your ability?

04:37PM 18 A. Absolutely.

04:37PM 19 Q. Now you told us a moment ago that this time that Anthony
04:38PM 20 Gerace set you up with a source of supply for cocaine was
04:38PM 21 like 2016 or 2017. Is that what you remember, as you sit
04:38PM 22 here?

04:38PM 23 A. What I remember is that is the day that I got arrested,
04:38PM 24 or very shortly after. So, it was a -- if my attorney was
04:38PM 25 here, he would tell me the date because, I would know when I

04:38PM 1 was arrested.

04:38PM 2 **MR. COOPER:** Judge, can I just have one second?

04:38PM 3 **THE COURT:** Sure.

04:38PM 4 **MR. COOPER:** Thank you.

04:39PM 5 **BY MR. COOPER:**

04:39PM 6 Q. Jeff, as to that time frame when Anthony Gerace set you
04:39PM 7 up with this cocaine source of supply, in the grand jury,
04:39PM 8 were you asked these questions and did you give this answer?

04:39PM 9 **MR. MacKAY:** I'm sorry, what's the page number?

04:39PM 10 **MR. COOPER:** Oh, I'm sorry, Parker. Page 38, start
04:39PM 11 at line 10.

04:39PM 12 **BY MR. COOPER:**

04:39PM 13 Q. Question: So this cocaine activity you've been
04:39PM 14 describing at Pharaoh's is between 2012 and 2017?

04:39PM 15 Answer: That I've witnessed?

04:39PM 16 Question: That you were participating in and witnessing.

04:39PM 17 Answer: Correct.

04:39PM 18 Question: I want to ask you a little bit more about that
04:39PM 19 1-ounce cocaine deal.

04:39PM 20 Answer: Yes.

04:39PM 21 Question: You went through with Anthony, I just want to
04:39PM 22 clarify. When was that again?

04:39PM 23 Answer: 2012.

04:39PM 24 Do you remember being asked those questions and giving
04:39PM 25 those answers?

04:39PM

1 A. I do.

04:39PM

2 Q. Okay. And does that refresh your memory about the

04:40PM

3 time frame when that 1-ounce cocaine deal happened?

04:40PM

4 A. Yeah. I mean, it -- you just explained the two dates to

04:40PM

5 me, but which one is the truth is -- I don't know.

04:40PM

6 Q. Okay.

04:40PM

7 A. But it was the arrest, so whatever day that that was.

04:40PM

8 Q. So, is it your testimony that you're not sure of whether

04:40PM

9 it was 2012 or 2017 that this happened?

04:40PM

10 A. Yes.

04:40PM

11 Q. Okay. Are you trying your best?

04:40PM

12 A. I'm trying.

04:40PM

13 Q. Good. I want to ask you a little bit more about how it

04:40PM

14 actually played out. Were you able to afford that \$1,200 on

04:40PM

15 your own?

04:40PM

16 A. No.

04:40PM

17 Q. Who did you ask for help with that?

04:40PM

18 A. His name was Jess.

04:40PM

19 Q. Okay. What's Jess's last name?

04:40PM

20 A. Present.

04:40PM

21 Q. Okay. And were you able to get assistance with the

04:40PM

22 money?

04:40PM

23 A. He paid for half.

04:40PM

24 Q. Okay. And you paid for half?

04:40PM

25 A. Yeah.

04:40PM 1 Q. Where did you go to meet the person?

04:40PM 2 A. To meet who?

04:40PM 3 Q. The person who's gonna give you cocaine?

04:40PM 4 A. That's that place I couldn't remember, Crabby's or --

04:41PM 5 Q. Okay. And can you describe, did you meet a person there?

04:41PM 6 A. Yes.

04:41PM 7 Q. Can you describe what they looked like?

04:41PM 8 A. Short, Oriental, black hair.

04:41PM 9 Q. Okay. And I asked you before if Anthony was with you.

04:41PM 10 Do you remember if Anthony went with you to meet the person

04:41PM 11 who was a short Oriental with black hair?

04:41PM 12 A. I remember sitting in a parking lot waiting for somebody

04:41PM 13 to come out and get me and bring me in. And so I waited.

04:41PM 14 And then I went in. It was the first major buy that I did,

04:41PM 15 so I was a little nervous, especially because I didn't know

04:41PM 16 him.

04:41PM 17 Q. Did Anthony introduce you to him?

04:41PM 18 A. Um-hum.

04:41PM 19 Q. In person?

04:41PM 20 A. Yeah, that was at Pharaoh's, he introduced me to this

04:41PM 21 guy. And then I went to meet him at a later date at that

04:41PM 22 place that I can't remember.

04:41PM 23 Q. Okay. So when's the first time you meet the short

04:41PM 24 black-haired guy who sells you a large amount of cocaine?

04:41PM 25 A. We were at Pharaoh's with friends, not the same time as

04:41PM 1 the garage, it was a different --

04:41PM 2 Q. Sure.

04:41PM 3 A. -- time.

04:42PM 4 Q. Okay.

04:42PM 5 A. And I'm sure he had a name, I don't remember it. I just
04:42PM 6 remember he was short and Oriental.

04:42PM 7 Q. And who introduced you to that person?

04:42PM 8 A. Anthony.

04:42PM 9 Q. Okay. And at the time you were introduced to that
04:42PM 10 person, did you know them to be a drug dealer?

04:42PM 11 A. No.

04:42PM 12 Q. Okay. After being introduced to that person, is that
04:42PM 13 when this conversation with Anthony happens about acquiring a
04:42PM 14 \$1,200 amount of cocaine?

04:42PM 15 A. Yes.

04:42PM 16 Q. Okay. And does Anthony tell you who you're gonna be
04:42PM 17 getting it from?

04:42PM 18 A. Meet that guy.

04:42PM 19 Q. Okay.

04:42PM 20 A. But, again, I don't remember that name.

04:42PM 21 Q. Were those two conversations close in time with each
04:42PM 22 other?

04:42PM 23 A. Yes.

04:42PM 24 Q. Okay. Did you know who Anthony was referencing when he
04:42PM 25 told you?

04:42PM 1 A. Yeah.

04:42PM 2 Q. Okay. What happens when you get to Crabby's or
04:42PM 3 Crabapples or whatever it's called?

04:42PM 4 A. Went inside, sat next to him. We talked about it. I
04:43PM 5 don't know if we exchanged money in the bar or if we went
04:43PM 6 back out and sat in his car.

04:43PM 7 Q. Who is the "he" in that sentence?

04:43PM 8 A. I hate to say the Oriental guy, but that's all I know him
04:43PM 9 as.

04:43PM 10 Q. The short Asian male?

04:43PM 11 A. Yes.

04:43PM 12 Q. Okay. Did the short Asian male give you cocaine that
04:43PM 13 day?

04:43PM 14 A. Yes, he did.

04:43PM 15 Q. Did you give him money?

04:43PM 16 A. I did.

04:43PM 17 Q. Who linked you up with him?

04:43PM 18 A. Anthony.

04:43PM 19 **MR. COOPER:** I just have one second, Judge.

04:43PM 20 **THE COURT:** Sure.

04:43PM 21 **BY MR. COOPER:**

04:43PM 22 Q. Mr. Anzalone, I want to see if I can kind of cabin in
04:44PM 23 this time frame a little bit. You told us that you went to
04:44PM 24 Pharaoh's about a hundred times; is that correct?

04:44PM 25 A. Yes.

04:44PM 1 Q. What's the kind of date range on those 100 trips to
04:44PM 2 Pharaoh's to the best of your ability?

04:44PM 3 A. Geez, I feel like I've been going there my whole life.
04:44PM 4 But from the early 2000s to 2018.

04:44PM 5 Q. Okay. And when were you going there most frequently,
04:44PM 6 what period of time was it?

04:44PM 7 A. That would be probably the 2012 to '16.

04:44PM 8 Q. Okay. And does that kind of link up when the divorce
04:44PM 9 with your wife becomes more finalized?

04:44PM 10 A. Yeah.

04:44PM 11 Q. Okay. Did you spend a lot of money when you were at
04:44PM 12 Pharaoh's?

04:44PM 13 A. Yes.

04:44PM 14 Q. Did Peter Gerace treat you well when you were there?

04:44PM 15 **MR. MacKAY:** Objection, relevance.

04:45PM 16 **THE COURT:** Yeah, what's --

04:45PM 17 **MR. COOPER:** Judge, I can explain. I'd like to go --
04:45PM 18 I don't want to say it out loud, so --

04:45PM 19 **THE COURT:** Yeah, come on up.

04:45PM 20 **MR. COOPER:** Yeah.

04:45PM 21 (Sidebar discussion held on the record.)

04:45PM 22 **MR. COOPER:** So, Judge, the indictment and the
04:45PM 23 testimony that has been elicited so far in the trial I think
04:45PM 24 has indicated that certain people at Pharaoh's receive
04:45PM 25 preferential treatment for a variety of different reasons.

1 You heard one witness earlier today say that hockey
2 players went upstairs, and people of notoriety.

3 Another category of those individuals is individuals
4 that spent a lot of money and partied there. And he just
5 testified right before this that he spent a lot of money when
6 he was there.

7 And the next question was just did you feel like you
8 were treated well there.

9 **THE COURT:** What's the point?

10 **MR. COOPER:** That he was in the category of people
11 that were -- had access to the upstairs, that could go up
12 there and do coke, that could do coke on the bar, that could
13 do coke on the grill.

14 **THE COURT:** What's the point?

15 **MR. COOPER:** It's, again, Judge, revolving around the
16 credibility of the witness. It's building out as he testified
17 that he could go all over the establishment. Explaining why
18 he was allowed to do that is relevant to his -- the
19 credibility of his testimony. What's the harm?

20 **THE COURT:** I don't know what the harm is.

21 **MR. MacKAY:** I guess it's self-evident, Judge.
22 Obviously we've heard a lot of testimony in the trial of
23 people who go up there and people who don't.

24 **THE COURT:** What's the difference in saying if he's
25 treated well?

04:46PM 1 **MR. MacKAY:** I thought he was going in a different
04:46PM 2 direction.

04:46PM 3 **THE COURT:** Okay. How much do you have?

04:46PM 4 **MR. COOPER:** Almost done.

04:46PM 5 **THE COURT:** Okay. Fine. How about the across?

04:46PM 6 **MR. MacKAY:** I'll be done by the buzzer.

04:46PM 7 **MR. COOPER:** I'll be done, Parker.

04:46PM 8 (Sidebar ended.)

04:46PM 9 **BY MR. COOPER:**

04:46PM 10 Q. Generally did you feel like you were allowed to do what
04:46PM 11 you wanted at Pharaoh's?

04:46PM 12 A. Yes.

04:46PM 13 Q. Did you ever get kicked out for using drugs?

04:46PM 14 A. No.

04:46PM 15 Q. Did you ever get the police called on you for doing coke
04:47PM 16 on the bar?

04:47PM 17 A. No.

04:47PM 18 Q. Okay. Did you feel like you were treated well by Peter
04:47PM 19 Gerace there?

04:47PM 20 A. I was referred to as a VIP or a whale, something along
04:47PM 21 those terms.

04:47PM 22 **MR. COOPER:** Okay. No further questions.

04:47PM 23 **THE COURT:** Cross-examination.

04:47PM 24

04:47PM 25

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CROSS-EXAMINATION BY MR. MacKAY:

Q. Thank you. Good afternoon, Mr. Anzalone. How are you?

A. Good. How are you?

Q. Well, thanks for asking. We'll get this done quickly and get out of here before 5. All right?

So, you talked about an arrangement to buy about an ounce of coke. And is it fair to say in essence Anthony Gerace muddled that for you?

A. Yes.

Q. And by "middle," I mean he was not the dealer for that transaction, correct?

A. Correct.

Q. He just set it up, correct?

A. Correct.

Q. And the person you get set up with is an Asian gentleman, correct?

A. Yes.

Q. Okay.

A. I think he was Asian.

Q. I couldn't hear you.

A. I think he was Asian.

Q. Okay. I mean, based on what you saw with his features, you would describe him as an Asian gentleman?

A. Yes.

Q. All right. Now you had, I think you told us, a customer

04:48PM 1 relationship of some sort between the Anzalones and the

04:48PM 2 Geraces; is that fair to say?

04:48PM 3 A. Yes.

04:48PM 4 Q. And that's -- that had gone back some time due to the

04:48PM 5 family business?

04:48PM 6 A. Yes.

04:48PM 7 Q. Okay. So your dealings with Peter also arose from a

04:48PM 8 professional capacity, what do you for a living, correct?

04:48PM 9 A. Correct.

04:48PM 10 Q. Okay. So, you had -- is it fair to say you had had a

04:48PM 11 relationship with Peter prior to ever going to Pharaoh's?

04:48PM 12 Well, let me ask it this way. Did you do -- was there a

04:48PM 13 business established, business relationship established prior

04:48PM 14 to the time you started frequenting Pharaoh's?

04:48PM 15 A. It was at Pharaoh's.

04:48PM 16 Q. I'm talking about the family --

04:48PM 17 A. The working? That's where we were working there.

04:49PM 18 Q. Oh, okay. Sorry. So the relationship really stems out

04:49PM 19 of Pharaoh's itself?

04:49PM 20 A. Yeah.

04:49PM 21 Q. Okay. Now, you told us that you know an individual named

04:49PM 22 K.L., correct?

04:49PM 23 A. I do.

04:49PM 24 Q. You know her to be a drug user?

04:49PM 25 A. Yes.

04:49PM 1 Q. Okay. Can you tell the jury about your observations of
04:49PM 2 her drug use?
04:49PM 3 A. Observations?
04:49PM 4 Q. Like, what did you see her doing, what drugs?
04:49PM 5 A. Cocaine, mainly.
04:49PM 6 Q. Okay. How often?
04:49PM 7 A. In the beginning, every time that we would be together.
04:49PM 8 Started out maybe once, twice a month. And then it got more
04:49PM 9 and more when we would go out.
04:49PM 10 Q. Okay. And did you know her to do any other types of drugs?
04:49PM 11 A. Adderall.
04:49PM 12 Q. Okay. And how frequently, that you observed?
04:49PM 13 A. I'm -- she was on it all the time from what I know.
04:50PM 14 Q. Okay. And when was the last time you had any contact
04:50PM 15 with Ms. K.L.?
04:50PM 16 A. About a couple years ago.
04:50PM 17 Q. Let me ask it this way. Do you recall meeting in
04:50PM 18 preparation for trial in September of 2023 with the
04:50PM 19 government?
04:50PM 20 A. I don't remember the date, but --
04:50PM 21 Q. Okay. Do you recall telling the government that the last
04:50PM 22 time you had heard from her was about a year before then?
04:50PM 23 A. Probably.
04:50PM 24 Q. Does that sound about right?
04:50PM 25 A. Yeah.

04:50PM 1 Q. Okay. So the last time you heard from her would have
04:50PM 2 been maybe late 2022?

04:50PM 3 A. Just shortly after she stopped working for me. And I
04:50PM 4 don't recall when that was.

04:50PM 5 Q. And do you recall at that time when reached out to you
04:50PM 6 was she still seeking drugs from you in any capacity?

04:50PM 7 A. No, I don't think so.

04:50PM 8 Q. Okay. Was there -- so, is it fair to say that you had a
04:50PM 9 lot of contact with K.L., and then it started to taper off?

04:50PM 10 A. Yeah.

04:50PM 11 Q. What caused that to happen?

04:51PM 12 A. The tapering off?

04:51PM 13 Q. Yeah.

04:51PM 14 A. She wasn't performing very well at work. And she had a
04:51PM 15 new boyfriend and would bring him around. It was a -- a
04:51PM 16 number of things. But it's just the erratic behavior, I
04:51PM 17 think, was the most part.

04:51PM 18 Q. Okay. The erratic behavior, what do you mean by that?

04:51PM 19 A. She was also very needy, so to speak. And always wanted
04:51PM 20 something, advice. Looking for something, help, money.

04:51PM 21 Q. Okay. Is that from you, in particular, or from others?

04:51PM 22 A. She was asking me.

04:51PM 23 Q. Okay. And so fair to say you were around her a lot at
04:51PM 24 one point in time, correct?

04:51PM 25 A. Um-hum.

04:51PM 1 Q. Did you form an opinion on her truthfulness?

04:51PM 2 **MR. COOPER:** Objection.

04:51PM 3 **THE COURT:** Basis?

04:51PM 4 **MR. COOPER:** The relevance of his opinion for her
04:51PM 5 truthfulness? And I don't think that there's a basis that's
04:51PM 6 been properly laid out for that question.

04:52PM 7 **MR. MacKAY:** Well, Judge, I think he's qualified to
04:52PM 8 opine on his opinion of her reputation for truthfulness.

04:52PM 9 **MR. COOPER:** Yeah. I think, Judge, the time frame is
04:52PM 10 important in the foundation leading up to the question.

04:52PM 11 **THE COURT:** Okay. So let's -- so let's -- let's lay
04:52PM 12 the foundation in the time frame.

04:52PM 13 **BY MR. MacKAY:**

04:52PM 14 Q. All right. So let's start, when did you first meet
04:52PM 15 Ms. K.L.?

04:52PM 16 A. The best of my recollection, all of this was between
04:52PM 17 2014, 2016, area is when I think we first met. And then
04:52PM 18 progressively hung out a little bit more until the part when
04:52PM 19 we became friends. And she needed a place to work, and she
04:52PM 20 came to work for me.

04:52PM 21 Q. So let's put a few dates on that. 2014 to 2016 is when
04:52PM 22 you first connect with her, correct?

04:53PM 23 A. Somewhere in there, yeah.

04:53PM 24 Q. Okay. And then when does she come to work for you
04:53PM 25 approximately?

04:53PM 1 A. 2019 maybe. Just before COVID, I think.

04:53PM 2 Q. And then when did you really draw back from her?

04:53PM 3 A. 2020.

04:53PM 4 Q. And then you said the last contact you had with her would

04:53PM 5 have been approximately late 2022?

04:53PM 6 A. Could have been, yeah.

04:53PM 7 Q. And when you spoke about this erratic behavior, what

04:53PM 8 time frame was that?

04:53PM 9 A. Towards the -- towards the end of it. Well, she's always

04:53PM 10 had erratic behavior, but it was just -- it seemed to be

04:53PM 11 getting worse.

04:53PM 12 Q. Okay. And when you say it seemed to be getting worse,

04:53PM 13 can you put some time frames on?

04:53PM 14 A. That, not really. Months, weeks that go by.

04:54PM 15 Q. Okay. But what we are talking about, this is closer

04:54PM 16 towards the time where you sort of let her go from the

04:54PM 17 business, or in the beginning?

04:54PM 18 A. This is a -- after the whole COVID thing, so it's got to

04:54PM 19 be somewhere in there I want to say.

04:54PM 20 Q. Okay. So at the time you're still working with her, I

04:54PM 21 assume she comes to work for you every -- every weekday?

04:54PM 22 A. No. It wasn't that kind of work, we would meet at a bar.

04:54PM 23 Q. Okay. How often would you be in contact with her in that

04:54PM 24 period of time?

04:54PM 25 A. Once, twice a week.

04:54PM 1 Q. Okay. But you obviously had to have interactions in
04:54PM 2 order to run your business, correct?

04:54PM 3 A. I wasn't running anything. She was just working.

04:54PM 4 Q. Okay. That's what I meant. In order for you to run your
04:54PM 5 business, you had to have interactions with her?

04:54PM 6 A. Oh, yeah.

04:54PM 7 Q. You had to exchange information in the capacity of
04:54PM 8 running your business, correct?

04:54PM 9 A. Yes, sir.

04:54PM 10 Q. And in the capacity of running your business and dealing
04:54PM 11 with her and meeting with her however many times you had to
04:54PM 12 in that time period, did you develop an opinion on her
04:54PM 13 reputation for truthfulness?

04:55PM 14 **MR. COOPER:** Objection, Judge. I'd like to just
04:55PM 15 approach as opposed to arguing in front of the jury.

04:55PM 16 **THE COURT:** Yeah, come on up.

04:55PM 17 (Sidebar discussion held on the record.)

04:55PM 18 **MR. COOPER:** Judge, the objection is that I think the
04:55PM 19 foundation for his opinion is based on K.L. working for him in
04:55PM 20 years that are past the time frame that she testified about
04:55PM 21 events occurring on direct examination.

04:55PM 22 It's also not concurrent with the time frame that she
04:55PM 23 offered testimony in this case, either in the grand jury or at
04:55PM 24 this trial.

04:55PM 25 And so I don't understand how his opinion of her

04:55PM 1 reputation for truthfulness during a time frame that's
04:55PM 2 disconnected from the events that she testified about and her
04:55PM 3 testimony could be relevant.

04:55PM 4 **MR. MacKAY:** Judge, I don't know that it needs to be
04:55PM 5 that much of a connection. He says he knows her from 2014 to
04:56PM 6 2016 on. They had quite a bit of contact. He works with her
04:56PM 7 in a close capacity. I think he's still qualified to opine on
04:56PM 8 her reputation for truthfulness.

04:56PM 9 **THE COURT:** So why don't we break for the night and
04:56PM 10 come back tomorrow.

04:56PM 11 **MR. MacKAY:** This was really going to be my last
04:56PM 12 question, so that would end it.

04:56PM 13 **THE COURT:** Do you want to break five minutes?

04:56PM 14 **MR. COOPER:** Yeah, why don't we take the jury out for
04:56PM 15 a second, and we can see where the answer is going to go. I
04:56PM 16 have no clue --

04:56PM 17 **THE COURT:** Okay. Let's do that.

04:56PM 18 (Sidebar discussion ended.)

04:56PM 19 **THE COURT:** Folks, we're going to take a really short
04:56PM 20 break and hopefully we'll finish this witness today, but maybe
04:56PM 21 not.

04:56PM 22 So remember my instructions about not talking with
04:56PM 23 each other, not making up your mind. We'll bring you right
04:56PM 24 back I hope.

04:56PM 25 (Jury excused at 4:56 p.m.)

04:57PM 1 **MR. MacKAY:** Judge, I've had some discussion with
04:57PM 2 counsel and client, I think what we're going to do to proceed
04:57PM 3 is to withdraw the question.

04:57PM 4 **THE COURT:** Say it again?

04:57PM 5 **MR. MacKAY:** Judge, I've had some discussions with
04:58PM 6 counsel and client. I think what I'm going to do is withdraw
04:58PM 7 my question, and so then I can complete my cross.

04:58PM 8 **THE COURT:** So you don't want to get into this?

04:58PM 9 **MR. MacKAY:** No.

04:58PM 10 **THE COURT:** Okay. Fine. Let's bring them back.

04:58PM 11 (Jury seated at 4:59 p.m.)

04:59PM 12 **THE COURT:** The record will reflect that all our
04:59PM 13 jurors, again, are present.

04:59PM 14 I remind the witness that he's still under oath.

04:59PM 15 And you can continue, Mr. MacKay.

04:59PM 16 **MR. MacKAY:** All right. Mr. Anzalone, thank you for
04:59PM 17 the delay and the patience. What I'm going to do, I'm going
04:59PM 18 to withdraw my prior question.

04:59PM 19 I have no further questions for this witness.

04:59PM 20 **THE COURT:** Okay. Great. Any redirect?

04:59PM 21 **MR. COOPER:** I have no redirect, Judge. Thank you.

04:59PM 22 **THE COURT:** Terrific. You can step down, sir. Thank
04:59PM 23 you very much.

24 (Witness excused at and excerpt ended at 4:59 p.m.)

25 * * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on March 5, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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